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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,109	11/20/2000	Toshio Sakurai	862.1731 D2	8881

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NEW YORK, NY 10112

EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/715,109

Applicant(s)

SAKURAI, TOSHIO

Examin r

VAN H NGUYEN

Art Unit

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-- The MAILING DATE f this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to amendment C filed November 03, 2003. Claims 30-64 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki (U.S. 5,228,118) cited by Applicant in the IDS (paper # 2).

4. **As to claim 30**, Sasaki teaches (col.5, lines 7-15 and fig. 3) the invention substantially as claimed including an information processing apparatus (*the personal computer PC*) which is connectable (*connecting*) to a device (*the laser printer LP*) via a cable (*a communication cable CB*), comprising:

a detecting unit adapted to detect whether or not the cable is connected to the information processing apparatus (*check the communication cable; col.8, lines 24-43*);

an obtaining unit adapted to obtain a device ID in response to a detection, by the detecting unit, of the connected cable (*an inquiry signal is sent to the laser printer LP, to ask the*

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printer LP to send back the interpreter-identification data which represent the types of the language interpreters available on the printer LP... In response to the inquiry signal received from the personal computer PC, the video controller 11 of the laser printer LP executes the ID DATA OUTPUT control program 'stored in the first ROM 14', to send the interpreter-identification data to the personal computer PC; col. 7, lines 9-43);

a discriminating unit adapted to discriminate whether or not a device driver corresponding to the obtained device ID is installed (*the control device 43 has received the interpreter-identification data from the laser printer LP ... find out the printer driver or drivers in the hard disk, which is/are compatible with or applicable to the language interpreter or interpreters represented by the received interpreter-identification data... determine whether any printer driver is found or not; col. 7, lines 9-43); and*

a warning unit adapted to warn when the discriminating unit discriminates that the device driver corresponding, to the obtained device ID is not installed in the information processing apparatus (*If no printer driver compatible with the language interpreters represented by the received interpreter-identification data is found in the hard disk in the hard disk drive 44, a suitable alarm message is provided on the display 41. The alarm message may be a statement 'PRINTING IS NOT POSSIBLE ON THE PRINTER TO WHICH THIS COMPUTER IS CONNECTED'; col.8, lines 11-43).*

5. As to claim 31, Sasaki teaches an activating unit, adapted to activate the device driver to be used (*col.8, lines 11-23*), when the discriminating unit discriminates that the device driver corresponding to the obtained device ID is not installed (*col.8, lines 24-61*).

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6. **As to claim 32**, Sasaki teaches the device is a printer (*the laser printer LP; col. 5, line 15 and fig. 3*).

7. **As to claim 33**, Sasaki teaches a determination unit adapted to determine whether or not device drivers, which are activated in the information processing apparatus at present, are able to support a device driver corresponding to the obtained device ID on the basis of determining result of the obtained device ID (*col.7, lines 9-55*).

8. **As to claim 34**, Sasaki teaches the determination unit determines that the device driver corresponding to the obtained device ID is not supported by the activated device drivers, the discriminating unit performs the discriminating (*col.7, lines 9-55 and col.8, lines 11-43*).

9. **As to claims 35-39**, note the rejection of claims 30-34 above. Claims 35-39 are the same as claims 30-34, except claims 35-39 are method claims and claims 30-34 are apparatus claims.

10. **As to claims 40-44**, note the rejection of claims 30-34 above. Claims 40-44 are the same as claims 30-34, except claims 40-44 are computer-readable storage medium claims and claims 30-34 are apparatus claims.

11. **As to claims 45-49**, note the rejection of claims 30-34 above. Claims 45-49 are the same as claims 30-34, except claims 45-49 are computer program product claims and claims 30-34 are apparatus claims.

12. **As to claim 50**, Sasaki teaches (col.5, lines 7-15 and fig. 3) the invention substantially as claimed including an information processing apparatus (*the personal computer PC*) which is connectable (*connecting*) to a device (*the laser printer LP*) via a cable (*a communication cable CB*), comprising:

detecting means for detecting whether or not the cable is connected to the information processing apparatus (*check the communication cable; col.8, lines 24-43*);

obtaining means for obtaining a device ID in response to a detection, by the detecting means of the connected cable (*an inquiry signal is sent to the laser printer LP, to ask the printer LP to send back the interpreter-identification data which represent the types of the language interpreters available on the printer LP... In response to the inquiry signal received from the personal computer PC, the video controller 11 of the laser printer LP executes the ID DATA OUTPUT control program 'stored in the first ROM 14', to send the interpreter-identification data to the personal computer PC; col. 7, lines 9-43*);

first determination means for determining whether or not the connected device can be supported on the basis of the device ID obtained by the obtaining means (*find out the printer driver or drivers in the hard disk, which is/are compatible with or applicable to the language interpreter or interpreters represented by the received interpreter-identification data; col. 7, lines 9-43*); and

installing means for installing a device driver (*the printer driver or drivers in the hard disk; col. 7, lines 44-64*) corresponding to the device ID obtained by the obtaining means (*is/are compatible with or applicable to the language interpreter or interpreters represented by the received interpreter-identification data; col. 7, lines 44-64*), when it is determined by the first determination means that the connected device can not be supported (*col.8, lines 11-43*).

13. **As to claim 51**, Sasaki teaches second determination means for determining whether or not there exists data to be printed in the information processing apparatus, when it is determined by the first determination means that the connected device can be supported (*col.7, line 65-col.8,*

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line 10) and performing means for performing a printing operation on the data when it is determined by the second determination means that there exists data to be printed in the apparatus (*col.8, lines 11-23*).

14. **As to claim 52**, Sasaki teaches third determination means for determining; whether or not a device driver corresponding to the obtained device ID is installed (*col. 7, lines 9-43*), when it is determined by the first determination means that the connected device can not be supported (*col. 8, lines 24-43*), wherein the installing means installs the device driver corresponding to the obtained device ID when it is determined by the third determination means that the device driver corresponding to the obtained device ID is installed (*col.7, lines 9-43*).

15. **As to claim 53**, Sasaki teaches warning means for warning, when it is determined by the third determination means that the driver corresponding to the obtained device ID is not installed (*col.8, lines 11-43*).

16. **As to claim 54**, Sasaki teaches the device comprises a printer (*the laser printer LP; col. 5, line 15 and fig. 3*).

17. **As to claims 55-59**, note the rejection of claims 50-54 above. Claims 55-59 are the same as claims 50-54, except claims 55-59 are method claims and claims 50-54 are apparatus claims.

18. **As to claims 60-64**, note the rejection of claims 50-54 above. Claims 60-64 are the same as claims 50-54, except claims 60-64 are processing program claims and claims 50-54 are apparatus claims.

Response to Arguments

19. Applicant's arguments, see paper number 7, filed November 03, 2003, with respect to the rejection of claims 30-49 under the obviousness-type double patenting rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sasaki as set forth above.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

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Any response to this action should be mailed to:

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

or fax to:

(703) 746-7239 (for formal communications intended for entry)

(703) 746-7238 (for After Final communications)

(703) 746-7240 (for informal or draft communications)

VHN

January 04, 2003



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